

FIFTY-NINTH DAY

(Continued)

(Tuesday, April 30, 1957)

After Recess

The Senate met at 10:00 o'clock a.m., and was called to order by the President.

Reports of Standing Committees

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 61, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 803, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 885, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 470, have had the same under consideration and we are instructed

to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 880, have had the same under consideration and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 879, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 517, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 758, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B.

No. 761, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 882, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 927, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 909, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 76, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 70, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 68, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 426, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 179, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 93, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed.

LANE, Chairman.

Senator Weinert by unanimous consent submitted the following reports:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 901, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 773, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 681, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 680, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 539, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 529, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 498, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendment and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 426, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 29, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 375, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 293, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 268, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 50, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 45, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 88, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 77, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 64, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 54, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 49, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 46, have had the same under consideration, and we are instructed

to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 45, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 39, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 74, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 73, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir, We, your Committee on Jurisprudence, to whom was referred H. B. No. 199, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute, attached hereto, do pass in lieu thereof, and be printed.

WEINERT, Chairman.

C. S. H. B. No. 199 was read first time.

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
April 29, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 903, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

PARKHOUSE, Chairman.

Senator Martin by unanimous consent submitted the following reports:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 311, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 438, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 645, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 783, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 697, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 662, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts to whom was referred H. B. No. 337, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 126.

The House has appointed the following Conference Committee on S. B. No. 126: Thurmond, Laurel, Shaw, Welch, and Schwartz of Washington.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives.

Senate Bill 473 on First Reading

Senator Phillips by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin
Ashley

Bracewell
Bradshaw

Colson	Moore
Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Lock	Willis
Moffett	Wood

Absent

Martin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 473, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas, in consideration of the payment to it of the appraised value, to convey to the Trustees of the Sealy-Smith Foundation certain land in the City of Galveston, Texas, for the purpose of constructing thereon a psychopathic hospital; prescribing procedures and conditions for the sale of this property; making an appropriation; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Resolution 439

Senator Colson by unanimous consent offered the following resolution:

Whereas, In 1951, Charles F. Herring, Jr., the son of our esteemed colleague, the Honorable Charles Herring, and his gracious wife, Doris, made his debut in this world on June 1, which was the birthday of his father; and

Whereas, He has exhibited evidence of having inherited the fine qualities of his beloved parents; and

Whereas, The members of the Senate desire to proclaim their love and admiration for this fine young man by bestowing honor and recognition upon him; now, therefore, be it

Resolved, That Charles F. Herring, Jr. be designated as a Mascot of the Senate of the 55th Legislature and that his photograph be placed on the picture panel with the members of this Session; and, be it further

Resolved, That copies of this resolution be presented to him and to his parents as a memento of this honor, and that best wishes be extended to him for health, happiness and success throughout his entire life.

The resolution was read and was adopted.

Senate Resolution 440

Senator Colson by unanimous consent offered the following resolution:

Whereas, Our esteemed colleague, the Honorable Floyd Bradshaw and his charming wife, Dorothy, are the fortunate parents of four fine children; and

Whereas, The youngest member of this happy family is a personable and lovable little lady bearing the qualities befitting her lyrical name, Carmen; and

Whereas, Six year old Carmen is worthy of honor and special recognition by the Senate; now, therefore, be it

Resolved, That Carmen Bradshaw be named a Sweetheart of the Senate of the 55th Legislature; and, be it further

Resolved, That her photograph, as Sweetheart, be included in the picture panel of the Senate of the 55th Legislature; and, be it further

Resolved, That a copy of this resolution be sent to her with good wishes for her health and happiness during her entire life.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 89.

The House has appointed the following Conference Committee on S. B. No. 89: Anderson, Lee, Oliver, Baker, and Patterson.

The House has concurred in Senate amendments to H. B. No. 6 by viva voce vote.

H. B. No. 60, A bill to be entitled "An Act making findings and declaring policies relating to occupational safety; defining terms of this Act; providing duties of employers as to occupational safety; creating within the Bureau of Labor Statistics an Occupational Safety Board; authorizing said Board, after public hearing, to make and publish in occupational safety rules for places of employment; creating within the Bureau of Labor Statistics a Division of Occupational Safety; providing for the enforcement and administration of such rules by the Commissioner of the Bureau of Labor Statistics; providing for judicial review of such rules; providing penalties; providing for cooperating with the State Department of Health; providing for separability; repealing conflicting laws; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills and resolutions:

H. J. R. No. 17, A Joint Resolution "Proposing an amendment to Article XVI of the Constitution of the State of Texas by adding thereto a new section to be known as Section 64, by providing that the Legislature shall be authorized to pay a pension to retired Texas Rangers who are not eligible to participate in the State Employees Retirement System."

H. C. R. No. 26, Authorizing the department of Public Safety to acquire an easement to build a Communications Station.

H. C. R. No. 43, Dedicating and granting to the City of Austin certain tracts of land.

H. C. R. No. 66, Granting permission to L. S. Howard, of Nolan County, Texas, to bring suit against the State of Texas and/or the Texas Highway Commission.

H. B. No. 615, A bill to be entitled "An Act closing the season for hunt-

ing wild deer in Chambers County for five years; providing a penalty for violation, suspending conflicting laws; and declaring an emergency."

H. B. No. 616, A bill to be entitled "An Act closing the season for hunting alligators in Chambers County for five years; providing a penalty for violation; suspending conflicting laws; and declaring an emergency."

H. B. No. 770, A bill to be entitled "An Act closing the hunting season on beaver in Lamar County until December, 1960."

H. B. No. 774, A bill to be entitled "An Act changing the terms of court of the 6th Judicial District composed of the counties of Lamar and Fannin; prescribing the terms of court; providing that all process issued and returnable to a succeeding term of court, and all bonds and recognizances made and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding terms of the 6th District Court of the several counties as herein fixed as though issued and served for such terms and returnable to and drawn for the same; providing that all process issued and made returnable on or before Monday next after the expiration of twenty (20) days from the date of service thereof shall be valid, and unaffected by this Act; making other provisions relating to the functioning of the 6th Judicial District; providing a severability clause; and declaring an emergency."

H. B. No. 769, A bill to be entitled "An Act closing wild turkey hunting season in Lamar County until November 16, 1959; and declaring an emergency."

H. B. No. 768, A bill to be entitled "An Act concerning squirrel hunting in Lamar County."

H. B. No. 718, A bill to be entitled "An Act providing for an open season when it shall be lawful to hunt, take or kill squirrel in San Jacinto County, Texas; fixing a penalty for the violation thereof; repealing all laws in conflict; and declaring an emergency."

H. B. No. 436, A bill to be entitled "An Act fixing the open season for squirrel in Sabine County and prescribing a penalty for violation; amending Section 1 of Chapter 142,

Acts of the 54th Legislature, by deleting Sabine County therefrom; and declaring an emergency."

H. B. No. 431, A bill to be entitled "An Act closing the season for hunting wild turkeys in Cherokee and Nacogdoches Counties for a period of two years; providing a penalty for violation of this Act; suspending conflicting laws; and declaring an emergency."

H. B. No. 165, A bill to be entitled "An Act prohibiting the making or filing of false, misleading or unfounded reports to any Law Enforcement Agency of the State of Texas, for the purpose of interfering with the operation of such Law Enforcement Agency or with the intent to mislead or malign any officer of such Agency, defining such reports, and providing a penalty for violation of this Act; and declaring an emergency."

H. B. No. 874, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways of San Patricio County by authorizing the County to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; enacting other provisions relating to the subject; making the Act cumulative; providing for severability; and declaring an emergency."

H. B. No. 330, A bill to be entitled "An Act amending Article 923b of the Penal Code of Texas, which makes it unlawful to injure or kill bats, by providing certain exceptions thereto; authorizing the establishment of exempt areas by the State Commissioner of Health and the issuance of permits by health officers for the destruction of bats under certain circumstances, and further permitting the killing of bats in the proximity of public or private buildings; providing for severability; and declaring an emergency."

H. B. No. 581, A bill to be entitled "An Act amending Chapter 170, Acts of the Forty-fourth Legislature, Regular Session, 1955, codified in Vernon's as Article 82a, Vernon's Civil Statutes and relating to pink bollworm control so as to authorize the Commissioner of Agriculture to designate the date of election and polling places where the cotton growers

of this State shall have an opportunity to approve or reject the provisions of such Act; providing payment of fees into escrow accounts and related provisions; providing the method of selection of depositories; etc.; and declaring an emergency."

H. B. No. 171, A bill to be entitled "An Act providing that the Judge of the Court of Domestic Relations of Hutchinson County, Texas, shall receive such compensation as allowed other District Judges by the laws of this state; providing that said compensation shall be paid by the Commissioners Court of Hutchinson County out of the General Fund or the Officers' Salary Fund of the County; providing for a repealing clause; providing for a severability clause; and declaring an emergency."

H. B. No. 269, A bill to be entitled "An Act re-enacting and amending Chapter 128, Acts of the 50th Legislature, Regular Session, as amended by Chapter 206, Acts of the 51st Legislature, Regular Session, as amended by Chapter 230, Acts of the 53rd Legislature, Regular Session, validating with certain exceptions annexation by cities and towns of less than 100,000 inhabitants heretofore made of territories of water control and improvement districts and fresh water supply districts and the taking over the properties and assets of such districts and the assumption of debts and liabilities and obligations by such cities and towns, and bonds issued by such cities and towns to refund district obligations; repealing Chapter 134, Acts of the 52nd Legislature, Regular Session, and all laws in conflict or inconsistent with this Act, to the extent of such conflict or inconsistency; providing a severability clause; and declaring an emergency."

H. B. No. 102, A bill to be entitled "An Act relating to residence of persons in military service stationed at military installations in the State of Texas for purpose of filing divorce suits, amending Articles 4631 of the Revised Civil Statutes of Texas."

H. B. No. 88, A bill to be entitled "An Act providing for treatment of narcotic drug addicts in state hospitals under the jurisdiction of the Board of Texas State Hospitals and Special Schools; prescribing the conditions and procedures for commit-

ment, admission, and release; and declaring an emergency."

H. B. No. 621, A bill to be entitled "An Act conferring upon the Game and Fish Commission regulatory authority over wildlife resources in Hardin, Freestone, Orange, and Jefferson Counties; amending Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as amended, so as to make this Act applicable to Hardin, Freestone, Orange, and Jefferson Counties, and further amending the said Chapter 125 and Section 1 thereof by transferring certain portions of Section 1 into a new section designated as Section 1a; repealing certain laws and fixing the effective date of the repeal; providing for severability; and declaring an emergency."

H. B. No. 614, A bill to be entitled "An Act concerning the taking of oysters from the waters of Chambers County, Texas, providing for a penalty; and declaring an emergency."

H. B. No. 416, A bill to be entitled "An Act amending Section 1, Chapter 184, Acts of the Forty-fourth Legislature, Regular Session, 1935, as amended (codified in Vernon's as Section 1 of Article 5890b, Vernon's Civil Statutes) providing for the creation of the Texas National Guard Armory Board so as to change the membership of the Board; providing present members of the Board shall continue to serve as ex officio members for the remainder of their term of office; etc.; and declaring an emergency."

H. B. No. 822, A bill to be entitled "An Act amending Article 494 of the Code of Criminal Procedure of the State of Texas so as to provide for the appointment of counsel to represent an indigent accused; and the counsel so appointed shall have at least ten (10) days to prepare for trial unless such time be waived in writing by said attorney; providing a repealing clause; providing a severability clause; and declaring an emergency."

H. B. No. 100, A bill to be entitled "An Act amending Article 6221, Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the payment of an increased pension to Confederate Veterans; and declaring an emergency."

H. B. No. 260, A bill to be entitled "An Act to amend 'an Act providing for the annexation of common and/or independent school districts to certain Junior College districts for Junior College purposes only; etc.; and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act amending Article 6954 of the Revised Civil Statutes of Texas, 1925, so as to make its provisions applicable to McMullen County; and declaring an emergency."

H. B. No. 736, A bill to be entitled "An Act concerning Purchasing Agents of counties that have a population of 100,000 or more amending Section 1, of Chapter 9, Acts of the 46th Legislature, 1939, Regular Session, Special Laws, as amended, providing that the Purchasing Agent is entitled to a salary between five thousand (\$5,000) and ten thousand (\$10,000) dollars, and providing that the Purchasing Agent Assistant is entitled to a salary between twenty-five hundred (\$2,500) dollars and five thousand (\$5,000); and declaring an emergency."

H. B. No. 470, A bill to be entitled "An Act to amend subdivision (1) of Article 1350, Penal Code of the State of Texas of 1925, as amended, so as to set out expressly that it is unlawful to injure or destroy public property of the State of Texas or its political subdivisions without the consent of the person in charge of such property; and declaring an emergency."

H. B. No. 435, A bill to be entitled "An Act relating to the hunting of deer in Sabine and Nacogdoches Counties; amending Section 1 of Chapter 409, Acts of the 53rd Legislature, Regular Session, as amended, by changing the open season for hunting deer in Sabine County and by adding and re-enacting a provision permitting the use of dogs for hunting deer in Sabine County; re-enacting Section 1 of Chapter 384, Acts of the 51st Legislature, Regular Session, 1949, permitting the use of dogs for hunting deer in Nacogdoches County; repealing conflicting laws; and declaring an emergency."

H. B. No. 898, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI,

Constitution of Texas, to be known as 'Jefferson County Fresh Water Supply District No. 2'; prescribing its rights, powers, privileges, and duties; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 577, A bill to be entitled "An Act amending Section 5 of the Optional County Road Law of 1947 (Chapter 178, Acts of the 50th Legislature, codified as Article 6716-1 of Vernon's Texas Civil Statutes), so as to authorize the employment of a County Road Administrator to perform the duties imposed upon the County Road Engineer in the event a county is unable to employ a licensed professional engineer."

H. B. No. 865, A bill to be entitled "An Act limiting the provisions of this Act to Dimmit and Zavala Counties; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill, or possess any game bird or game animal in said counties at any time; to take, kill or trap any fur-bearing animal in said counties; to take or attempt to take any fresh-water fish or other aquatic life in public waters in said counties by any means or method; etc.; and declaring an emergency."

H. B. No. 4, A bill to be entitled "An Act to amend Section 177 of the Election Code of the State of Texas (Article 12.02 of Vernon's Texas Election Code); providing the manner of filling vacancies in the offices of United States Senator and Congressman-at-Large; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act amending Chapter 401, Acts of the 52nd Legislature, Regular Session, 1951, codified in Vernon's as Article 3902j Vernon's Civil Statutes providing additional compensation for deputy sheriffs so as to make its provisions applicable to deputies, assistants and clerks of any district, county or precinct officer; providing a severability clause and declaring an emergency."

H. B. No. 875, A bill to be entitled "An Act restoring criminal jurisdiction in the County Court of Glass-

cock County; and making other provisions relating thereto; and declaring an emergency."

H. B. No. 660, A bill to be entitled "An Act authorizing Municipalities to expend money for planning their future growth and development; and, authorizing certain municipalities to contribute money for joint planning with other municipalities, upon equal representation from each of such municipalities; stating the effect of this Act on other laws; providing the effective date of this Act; providing a savings clause."

H. B. No. 359, A bill to be entitled "An Act transferring a certain tract of land located on Brazos Island in Cameron County from the General Land Office to the Texas State Parks Board; reserving an easement to the Game and Fish Commission for the construction of a fish pass at Boca Chica Pass; making other provisions relating thereto; and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act authorizing the appointment of an assistant district attorney for the district attorneys of the 42nd Judicial District, composed of the Counties of Taylor, Callahan and Shackelford, and the 104th Judicial District, composed of the Counties of Fisher, Jones and Taylor; prescribing his qualifications, duties, and salary; providing for expenses of the assistant district attorney; repealing all laws in conflict; and declaring an emergency."

H. B. No. 623, A bill to be entitled "An Act amending Section 7 of Chapter 22, Acts of the 43rd Legislature, Third Called Session, 1934, as added by Chapter 354, Acts of the 51st Legislature, Regular Session, 1949, codified in Vernon's as Section 7 or Article 1187c, Vernon's Civil Statutes so as to authorize cities to sell facilities of municipal fish markets and properties appurtenant thereto acquired pursuant to the provisions of Article 1187c; providing a severability clause; and declaring an emergency."

H. B. No. 381, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to sell certain land located in Wichita County, Texas, being a part of the property of the Wichita

Falls State Hospital; etc.; and declaring an emergency."

H. B. No. 893, A bill to be entitled "An Act regulating the manner of taking fish from the waters of Lavaca Bay, Banal Lake, Mesquite Creek, Placedo Creek, Garcitas Creek, Red Fish Lakes and Oyster Bayou in Victoria, Jackson and Calhoun Counties; prohibiting the use of certain devices and providing a penalty for violation; repealing conflicting laws; and declaring an emergency."

H. B. No. 295, A bill to be entitled "An Act requiring a minimum of 10 days notice to tenants to vacate for non-payment of rent; providing for action in forcible detainer or at common law after the expiration of notice."

H. B. No. 618, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways in DeWitt County by authorizing the county to issue certificates of indebtedness for the purpose of acquiring rights of way for designated federal highways, state highways and farm-to-market highways; stating the terms and conditions of the issuance of such certificates of indebtedness; requiring the levy of a tax to pay the principal and interest of such certificates; requiring such certificates of indebtedness to be approved by the Attorney General and registered by the Comptroller of Public Accounts and prescribing the effect thereof; enacting other provisions relating to the subject; making the Act cumulative; providing for severability; and declaring an emergency."

H. B. No. 270, A bill to be entitled "An Act amending Article 7094 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 404, Article IV, Section 6, Acts of the 1954 Legislature, Regular Session, 1955, relating to corporations exempt from payment of the franchise tax; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act amending Article 527 of the Penal Code of Texas, 1925, as amended by Section 1 of Senate Bill 28, Acts of the 48th Legislature, Regular Session, 1943, Chapter 35, as amended by Section 1 of House Bill 302, Acts of the 54th Legislature,

Regular Session, 1955, Chapter 107, page 386, relating to immoral or depraved publications, motion pictures, penny arcade machine pictures and indecent objects, so as to provide that the editing, publishing or dissemination of any pamphlet, magazine; etc.; and declaring an emergency."

H. B. No. 781, A bill to be entitled "An Act prohibiting the taking of minnows from the public waters of Somervell County for sale, prohibiting licensed bait dealers who take minnows from the public waters of Somervell County from transporting or selling such minnows outside of Somervell County, authorizing licensed bait dealers to take minnows for sale in Somervell County, authorizing licensed bait dealers to take minnows from a private hatchery; etc.; and declaring an emergency."

H. B. No. 192, A bill to be entitled "An Act amending Section 1c of Article 9521-11, Penal Code of Texas, the same being House Bill 820, Acts of the 47th Legislature, 1941, Chapter 322, page 525, as amended by House Bill 380, Acts of the 50th Legislature, 1947, Chapter 87, page 149, as amended by House Bill 318, Acts of the 51st Legislature, 1949, Chapter 160, page 330, so as to permit the use of shrimp trawls in certain waters in Jackson County when used for the purpose of taking shrimp for bait, providing a repealing clause, providing a severability clause, and declaring an emergency."

H. B. No. 284, A bill to be entitled "An Act amending Chapter 282, Acts of the 51st Legislature of Texas, Regular Session, 1949, as amended, so as to increase the amount of tax that may be levied and collected in Trinity Bay Conservation District for the purpose of paying the costs of operating said District and maintaining its properties; and declaring an emergency."

H. B. No. 561, A bill to be entitled "An Act amending Chapter V, Title 16, of Texas Banking Code of 1943 by adding thereto a new article authorizing State banks to own or lease land in the vicinity of such bank for use as automobile parking area; etc.; and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act relating to aid to voters; amending Section 95 of the Texas Election Code so as to allow a voter who is entitled to assistance to select the person to assist him in preparing his ballot; amending Section 15 of Section 79 of the Texas Election Code so as to provide for assistance to physically incapacitated voters where voting machines are used; and declaring an emergency."

H. B. No. 738, A bill to be entitled "An Act providing for a referee for Juvenile Courts in counties having a population of 806,700 or more; authorizing the appointment of a Juvenile Court referee; providing for the qualifications of such referee; providing for the duties and authority of such referee; providing for compensation for such referee; and making other provisions in regard thereto; and declaring an emergency."

H. B. No. 467, A bill to be entitled "An Act establishing a juvenile board in Panola County; prescribing the membership and powers of the board and providing for compensation of its members; authorizing the board to appoint a juvenile officer; prescribing the powers and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; and providing for severability; and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act amending Section 4, Section 8, Section 11 and Section 14 of Chapter 94, Acts of the Fifty-first Legislature, 1949, by adding to said Section 4, sub-divisions to be known as 4a and 4b, providing for the appointment of committees within the Board, describing their duties, providing for the issuance of subpoenas, administration of oaths, the procedure of conducting hearings, and by adding to Section 8, new subdivisions to be known as 8a, 8b, and 8c, providing for cancellation and penalties for failure to renew licenses annually, providing for licensees to attend educational lectures or post graduate courses as a prerequisite for annual renewal of licenses, defining internes and providing for their supervision; and by amending Section 11, providing fees for the payment of expenses of the Board and disbursement thereof; and by amending Section 14 pertaining to the authority of the Board

to revoke, cancel or suspend licenses or refuse to admit persons to its examination; providing for repeal of all laws and parts of laws in conflict herewith, and providing for severability, and declaring an emergency."

H. B. No. 649, A bill to be entitled "An Act amending Article 1188 and Article 1191 of the Revised Civil Statutes of Texas, 1925, to permit consolidation of adjoining and contiguous cities and towns; defining the term 'Consolidation'; providing for and qualification of Electors; and declaring an emergency."

H. B. No. 245, A bill to be entitled "An Act amending Article 597, Code of Criminal Procedure, 1925, so as to provide that the summons provided therein may be made by first class United States mail, certified United States mail, or by registered United States mail, as the judges drawing the jury may direct, as well as verbally made upon each juror in person; providing a repealing clause; providing a severability clause and declaring an emergency."

(Senator Aikin in the Chair.)

Senate Concurrent Resolution 75

Senator Moffett by unanimous consent offered the following resolution:

S. C. R. No. 75, Relating to Public Schools Week in Texas.

Whereas, Texas Public Schools Week, since its inauguration by the Texas Citizens Committee for Public Schools Week in 1951, has become an outstanding observance which attracts well over a million visitors to Texas schools during the first week of March each year; and

Whereas, Since the administration and operation of the public schools of Texas constitute a public trust which has been delegated largely to local boards of education, it is desirable that citizens who elect the local boards be well informed concerning their schools; and

Whereas, The Provision of planned opportunities for citizens to visit in the schools offers a means of encouraging their participation in the continued growth and progress of education in Texas; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Legislature join

with the State Board of Education in urging the citizens of Texas to participate in the annual visitation programs of our public schools, and that visitors in the schools be reminded of each citizen's obligations and responsibilities as a contributing member of a self-governing society; and be it further

Resolved, That all citizens be urged to offer such advice, assistance, and support to school board members, school administrators, and teachers as may be needed by them to perform their work efficiently and effectively; and be it further

Resolved, That the week of March 3-8 in 1958, and the week of March 2-7 in 1959, be hereby designated as the dates for the official Public Schools Week in Texas for the years of the ensuing biennium.

MOFFETT
AIKIN

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and adopted.

Conference Committee Report on Senate Bill 154

Senator Martin submitted the following Conference Committee Report on S. B. No. 154:

Austin, Texas,
April 29, 1957.

Honorable Ben Ramsey, President of the Senate

Honorable Waggoner Carr, Speaker of the House of Representatives

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 154, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

MARTIN
MOFFETT
LANE
HARDEMAN
ASHLEY

On the part of the Senate.

LEE
DE LA GARZA
BULLOCK
EHRLE
MOORE

On the part of the House.

S. B. No. 154

A BILL

TO BE ENTITLED

"An Act, Relating to adult probation and parole; authorizing courts with original jurisdiction of felony criminal actions to suspend the imposition or the execution of sentence in certain cases and to place the defendant on probation, setting up a system of probation and the means of financing supervisory probation officers who shall be responsible to the direction of the appropriate courts; designating the Board of Pardons and Paroles created by the constitution to determine which prisoners may be paroled from the Prison System of this state with the Governor's approval, the conditions of such paroles, and to recommend revocation of paroles and pardons and restoration of citizenship of parolees by the Governor, and establishing administrative procedures for such actions; placing the responsibility for investigating and supervising paroled prisoners in the Division of Parole Supervision herein created, and establishing administrative procedures for such parole supervision; repealing the Adult Probation and Parole Law of 1947 and certain other laws; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Article I. Purpose of Act and Definitions

Section 1. It is the purpose of this Act to place wholly within the state courts of appropriate jurisdiction the responsibility for determining when the imposition or execution of sentence in certain cases shall be suspended, the conditions of probation, and the supervision of probationers, in consonance with the powers assigned to the judicial branch of this government by the Constitution of Texas. It is also the intent of this Act to provide for the release of persons on parole and for the method thereof, to designate the Board of Pardons and Paroles as the responsible agency of state government to recommend determination of paroles and to further designate the Board of Pardons and Paroles as responsible for the investigation and supervision of persons released on parole. It is the final purpose of this Act to remove from existing statutes the limitations, and questions of constitu-

tionality, that have acted as barriers to effective systems of probations and paroles in the public interest.

Sec. 2. This Act may be cited as the Adult Probation and Parole Law of 1957. Unless the context otherwise requires, the following definitions shall apply to the specified words and phrases as used in this Act.

a. "Courts" shall mean the courts of record having original criminal jurisdiction of felony actions.

b. "Probation" shall mean the release of a convicted defendant by a court under conditions imposed by the court for a specified period during which the imposition or execution of sentence is suspended.

c. "Parole" shall mean the release of a prisoner from imprisonment but not from the legal custody of the state, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. "Parole" shall not be construed to mean a commutation of sentence or any other form of executive clemency.

d. "Probation officer" shall mean either a person duly appointed by one or more courts of record having original criminal jurisdiction, to supervise defendants placed on probation; or a person designated by such courts for such duties on a part-time basis.

e. "Parole officer" shall mean a person duly appointed by the Director of the Division of Parole Supervision and assigned the duties of investigating and supervising paroled prisoners to see that the conditions of parole are complied with.

f. "Board" shall mean the Board of Pardons and Paroles.

g. "Division" shall mean the Division of Parole Supervision of the Board of Pardons and Paroles.

h. "Director" shall mean the Director of the Division of Parole Supervision.

Article II. Probations.

Sec. 3. The courts of the State of Texas having original jurisdiction of felony criminal actions, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public as well as the defendant will be subserved thereby, shall have the power, after conviction or a plea of guilty for any felony crime or offense except murder, rape, and offenses against mor-

als, decency, and chastity, where the maximum punishment assessed the defendant does not exceed ten years imprisonment, and where the defendant has not been previously convicted of a felony, to suspend the imposition or the execution of sentence and may place the defendant on probation for the maximum period of the sentence imposed or, if no sentence has been imposed, for the maximum period for which the defendant might have been sentenced, or impose a fine applicable to the offense committed and also place the defendant on probation as hereinafter provided. Any such person placed on probation shall be under the supervision of such court.

Sec. 4. When directed by the court a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of the defendant. Whenever practicable, such investigation shall include a physical and mental examination of the defendant. If a defendant is committed to any institution the probation officer shall send a report of such investigation to the institution at the time of commitment.

Sec. 5. Only the court in which the defendant was tried may grant probation, fix or alter the conditions, revoke the probation, or discharge the defendant, unless the court has transferred jurisdiction of the case to another court with the latter's consent. After a defendant has been placed on probation, jurisdiction of the case may be transferred to a court of the same rank in this state having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs. Upon transfer, the clerk of the court of original jurisdiction shall forward a transcript of such portions of the record as the transferring judge shall direct to the court accepting jurisdiction, which latter court shall thereafter proceed as if the trial and conviction had occurred in that court. Any court having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs may issue a warrant for his arrest, but the determination of action to be taken after arrest shall be only by the court having jurisdiction of the case at the time the action is taken.

Sec. 6. The court having jurisdic-

tion of the case shall determine the terms and conditions of probation and may at any time during the period of probation alter or modify the conditions and may include, but shall not be limited to, the conditions that the probationer shall:

- a. Commit no offense against the laws of this or any other state or the United States;
- b. Avoid injurious or vicious habits;
- c. Avoid persons or places of disreputable or harmful character;
- d. Report to the probation officer as directed;
- e. Permit the probation officer to visit him at his home or elsewhere;
- f. Work faithfully at suitable employment as far as possible;
- g. Remain within a specified place;
- h. Pay his fine, if one be assessed, in one or several sums, and make restitution or reparation in any sum that the court shall determine; and
- i. Support his dependents.

Sec. 7. At any time, after the defendant has satisfactorily completed one-third of the original probationary period or two years of probation, whichever is the lesser, the period of probation may be reduced or terminated by the court. Upon the satisfactory fulfillment of the conditions of probation, and the expiration of the period of probation, the court, by order duly entered, shall amend or modify the original sentence imposed, if necessary, to conform to the probation period and shall discharge the defendant. In case the defendant has been convicted or has entered a plea of guilty, and the court has discharged the defendant hereunder, such court may set aside the verdict or permit the defendant to withdraw his plea, and shall dismiss the accusation, complaint, information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted or to which he has pleaded guilty, except that proof of his said conviction or plea of guilty shall be made known to the court should the defendant again be convicted of any criminal offense.

Sec. 8. At any time during the period of probation the court may issue a warrant for violation of any of the conditions of the probation and cause the defendant to be arrested. Any probation officer, police officer or oth-

er officer with power of arrest, may arrest such defendant without a warrant upon the request of the judge of such court. A probationer so arrested may be detained in the county jail or other appropriate place of detention until he can be taken before the court. Such officer shall forthwith report such arrest and detention to such court. Thereupon, the court shall cause the defendant to be brought before it and, after a hearing without a jury, may continue or revoke the probation and shall in such case proceed to deal with the case as if there had been no probation.

Any probationer who removes himself from the State of Texas without permission of the court having jurisdiction of the case, shall be deemed and considered a fugitive from justice and shall be subject to extradition as now provided by law. No part of the time that the defendant is on probation shall be considered as any part of the time that he shall be sentenced to serve. The right of the probationer to appeal to the Court of Criminal Appeals, for a review of the trial and conviction, as provided by law, shall be accorded the probationer at the time he is placed on probation. When he is notified that his probation is revoked for violation of the conditions of probation and he is called on to serve a jail or penitentiary sentence he may appeal the revocation.

Sec. 9. If, for good and sufficient reasons, probationers desire to change their residence within the state, such transfer may be effected by application to their supervising probation officer, which transfer shall be subject to the court's consent and subject to such regulations as the court may require in the absence of a probation officer in the locality to which the probationer is transferred.

Sec. 10. For the purpose of providing adequate probation services, the judge or judges having original jurisdiction of criminal actions in the county or counties, if applicable, are authorized with the advice and consent of the Commissioners' Court, as hereinafter provided to employ and designate, the titles and fix the salaries of probation officers and such administrative, supervisory, stenographic, clerical, and other personnel as may be necessary to conduct presentence investigations, supervise and rehabilitate probationers, and enforce the terms and conditions of probation.

Only those persons who have successfully completed education in an accredited college or university and two years full time paid employment in responsible probation or correctional work with juveniles or adults, social welfare work, teaching or personnel work; or persons who are licensed attorneys with experience in criminal law; or persons who are serving in such capacities at the time of the passage of this act and who are not otherwise disqualified by Section 31 of this Act shall be eligible for appointments as probation officers: provided that additional experience in any of the above work categories may be substituted year for year for the required college education, with a maximum substitution of two years.

It is the further intent of this Act that the caseload of each probation officer not substantially exceed 75 probationers.

Where more than one probation officer is required, the judge or judges shall appoint a chief adult probation officer or director, who, with their approval, shall appoint a sufficient number of assistants and other employees to carry on the professional, clerical, and other work of the court.

Provided that the judge or judges, with the approval of the juvenile board of the county, may authorize the chief probation or chief juvenile officer to establish a separate division of adult probation and appoint adult probation officers and such other personnel as required. It is the further intent of this Act that the same person serving as a probation officer for juveniles shall not be required to serve as a probation officer for adults, and vice versa.

The judge or judges may, with the approval of the director of parole supervision, designate a parole officer or supervisor employed by the Division of Parole Supervision as a probation officer for the county or district.

Probation officers shall be furnished transportation, or alternatively, shall be entitled to an automobile allowance for use of personal automobile on official business, under the same terms and conditions as is provided for sheriffs.

The salaries of personnel, and other expenses essential to the adequate supervision of probationers, shall be paid from the funds of the county or counties comprising the judicial dis-

trict or geographical area served by such probation officers. In instances where a district court has jurisdiction in two or more counties, the total expenses of such probation services shall be distributed approximately in the same proportion as the population in each county bears to the total population of all of those counties, according to the last preceding or any future federal census. In all the instances of the employment of probation officers, the responsible judges and county commissioners are authorized to accept grants or gifts from other political subdivisions of the state or associations and foundations, for the sole purpose of financing adequate and effective probationary programs in the various parts of the state. For the purposes of this Act, the municipalities of this state are specifically authorized to grant and allocate such sums of money as their respective governing bodies may approve to their appropriate county governments for the support and maintenance of effective probationary programs. All grants, gifts, and allocations of the character and purpose described in this section shall be handled and accounted for separately from other public funds of the county.

Sec. 11. For the purpose of determining when fees are to be paid to any officer or office, the placing of the defendant on probation shall be considered a final disposition of the case, without the necessity of waiting for the termination of the period of probation or suspension of sentence.

ARTICLE III. Paroles

Sec. 12. The Board of Pardons and Paroles created by Article 4, Section 11 of the Constitution of this State, shall administer the provisions of this Act respecting determinations of which prisoners shall be paroled from the Prison System of this state, the conditions of such paroles, and may recommend the revocation of paroles by the Governor.

Sec. 13. The members of the Board shall give full time to the duties of their office and shall be paid such salaries as the Legislature may determine in Appropriation Acts. The members of the Board shall elect one of their number as chairman, who shall serve for a period of two years and until his successor is elected and qualified.

The Board shall meet at the call of the chairman and from time to time

as may otherwise be determined by majority vote of the Board. A majority of the Board shall constitute a quorum for the transaction of all business.

The Board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the Board shall be by majority vote.

The Board shall keep a record of its acts and shall notify each institution of its decision relating to the persons who are to have been confined therein. At the close of each fiscal year the Board shall submit to the Governor and to the Legislature a report with statistical and other data of its work.

All minutes of the Board and decisions relating to parole, pardon and clemency shall be matters of public record and subject to public inspection at all reasonable times.

Sec. 14. The necessary office quarters shall be provided for the Board in the manner that the same are furnished to other departments, boards, commissioners, bureaus and offices of the state.

Sec. 15. The Board is hereby authorized to release on parole with the approval of the Governor any person confined in any penal or correctional institution of this state, except persons under sentence of death, who has served one-third ($\frac{1}{3}$) of the maximum sentence imposed; provided that in any case he may be paroled after serving fifteen years; and provided further that where the maximum sentence is not four times as great as the minimum sentence, and the convict has served the minimum sentence, and where the maximum sentence is greater than four times the minimum sentence, and the convict has served one-fourth ($\frac{1}{4}$) of the maximum sentence, such convict may be paroled during good behavior for the balance of the term imposed upon him. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.

Within one year after a prisoner's admittance to the penal or correctional institution and at such intervals thereafter as it may determine, the Board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and the reports of such

physical and mental examinations as have been made.

Before ordering the parole of any prisoner, the Board may have the prisoner appear before it and interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

The Board may adopt such other rules not inconsistent with law as it may deem proper or necessary, with respect to the eligibility of prisoners for parole, the conduct of parole hearings, or conditions to be imposed upon parolees. Whenever an order for parole is issued it shall recite the conditions thereof.

It shall be the duty of the Board at least ten days before ordering the parole of any prisoner or upon the granting of executive clemency by the Governor to notify the Sheriff, the District Attorney and the District Judge in the county where such person was convicted that such parole or clemency is being considered by the Board or by the Governor.

If no parole officer has been assigned to the locality where a person is to be released on parole or executive clemency the Board shall notify the chairman of the Voluntary Parole Board of such county prior to the release of such person. The Board shall request such Voluntary Parole Board, in the absence of a parole officer, for information which would herein be required of such duly appointed parole officer. This shall not, however, preclude the Board from requesting information from any public agency in such locality.

Sec. 16. It shall be the duty of any judge, district attorney, county attorney, police officer or other public official of the state, having information with reference to any prisoner eligible for parole, to send in writing such information as may be in his possession or under his control to the Board, upon request of any member or employee thereof.

Sec. 17. It shall be the duty of all prison officials to grant to the members of the Board, or its properly accredited representatives, access at all reasonable times to any prisoner, to provide for the Board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the Board such reports as the Board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the Board pertinent in determining whether such prisoner shall be paroled.

Sec. 18. The Board shall formulate rules as to the submission and presentation of information and/or arguments to the Board for and in behalf of any parolee under the jurisdiction of the Board.

All persons presenting information or arguments to the Board shall submit their statements in writing and not otherwise, and shall submit therewith an affidavit stating whether any fee has been paid or is to be paid for their services in the case, the amount of such fee, if any, and by whom such fee is paid or to be paid.

Sec. 19. The Board shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oath administered by any member of the Board. Subpoenas so issued may be served by a sheriff, constable, police, parole, or probation officer, or other law enforcement officer, in the same manner as similar process in courts of record having original jurisdiction of criminal actions. Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the subpoena, shall be subject to the same orders and penalties to which a person before a court is subject. Any courts of record having original jurisdiction of criminal actions upon application of the Board, may in its discretion compel the attendance of witnesses, the production of such material and the giving of testimony before the Board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such courts of record having original jurisdiction of criminal actions.

Sec. 20. The Board shall have the power and duty to make rules for the conduct of persons placed on parole by the Board.

Sec. 21. Upon order by the Governor, the Board is authorized to issue a warrant for the return of any paroled prisoner to the institution from which he was paroled. Such warrant shall authorize all officers named therein to return such paroled prisoner to actual custody in the penal institution from which he was paroled. Pending hearing, as hereinafter provided, upon any charge of parole violation, the prisoner shall remain incarcerated in such institution.

Any peace officer, and any parole officer when so authorized by the stipulated conditions of parole, may arrest a parolee without a warrant when the parolee has, in the judgment of such officer, violated the conditions of his parole. The arresting officer shall present to the detaining authorities a statement in writing of the circumstances of violation. The arresting officer shall at once notify the Board of the arrest and detention of the parolee and shall submit in writing a report showing in what manner the parolee has violated the conditions of the parole.

A parolee for whose return a warrant has been issued by the Board shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the provisions of his parole, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, from other states to this state, shall not be impaired by this Act and shall remain in full force and effect.

Sec. 22. Any prisoner who commits a felony while at large upon parole and who is convicted and sentenced therefor, may be required by the Board to serve such sentence after the original sentence has been completed unless the court in imposing sentence shall have otherwise directed.

Whenever a paroled prisoner is accused of a violation of his parole on information and complaint by a law enforcement officer or parole officer, he shall be entitled to be heard on such charges before the Board under

such rules and regulations as the Board may adopt; providing, however, said hearing shall be held within forty-five days of the date of arrest and at a time and place set by the Board. When the Board has heard the facts, it may recommend to the Governor that the parole be continued, or revoked, or modified in any manner the evidence may warrant. When the Governor revokes a prisoner's parole, he may be required to serve the portion remaining of the sentence on which he was released on parole, such portion remaining to be calculated without audit for the time from the date of his release on parole to the date of his arrest or charge of parole violation.

Sec. 23. A parolee shall be required to serve out the whole term for which he was sentenced, subject to the deduction of the time he had served prior to his parole and to any diminution of sentence earned for good behavior while imprisoned. This provision, however, shall not be construed so as to interfere with the Constitutional power conferred upon the Governor to grant pardons and to commute sentences.

When any paroled prisoner has fulfilled the obligations of his parole and has served out his term as conditioned in the preceding paragraph, the Board shall make a final order of discharge and issue to the parolee a certificate of such discharge.

Sec. 24. Whenever any prisoner serving an indeterminate sentence, as provided by law, shall have served for twelve months on parole in a manner acceptable to the Board, it shall review the prisoner's record and make a determination whether to recommend to the Governor that the prisoner be pardoned and finally discharged from the sentence under which he is serving.

When any prisoner who has been paroled has complied with the rules and conditions governing his parole until the end of the term to which he was sentenced, and without a revocation of his parole, the Board shall report such fact to the Governor prior to the issuance of the final order of discharge, together with its recommendation as to whether the prisoner should be restored to citizenship.

Sec. 25. On request of the Governor the Board shall investigate and report to the Governor with respect

to any person being considered by the Governor for pardon, commutation of sentence, reprieve, or remission of fine or forfeiture, and make recommendations thereon.

Article IV. Supervision of Parolees

Sec. 26. The Board of Pardons and Paroles shall have general responsibility for the investigation and supervision of all prisoners released on parole. For the discharge of this responsibility, there is hereby created with the Board of Pardons and Paroles a Division of Parole Supervision. Subject to the general direction of the Board of Pardons and Paroles, the Division of Parole Supervision including its field staff shall be responsible for obtaining and assembling any facts the Board of Pardons and Paroles may desire in considering parole eligibility, and for investigating and supervising paroled prisoners to see that the conditions of parole are complied with, and for making such periodic reports on the progress of parolees as the Board may desire.

Sec. 27. All information obtained in connection with prison inmates applying for parole or individuals who may be on parole and under the supervision of the Division, or persons directly identified in any proposed plan of release for a parolee, shall be privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the Governor and the Board of Pardons and Paroles upon request. It is further provided that statistical and general information respecting the parole program and system, including the names of paroled prisoners and data recorded in connection with parole services, shall be subject to public inspection at any reasonable time.

Sec. 28. Salaries of all employees of the Division of Parole Supervision shall be governed by Appropriation Acts of the Legislature. The Board of Pardons and Paroles shall appoint a Director of the Division, and all other employees shall be selected by the Director, subject to such general policies and regulations as the Board may approve.

It is expressly provided, however, that no person may be employed as a parole officer or supervisor, or be responsible for the investigations, surveillance, or supervision of persons on parole, unless he meets the

following qualifications together with any other qualifications that may be specified by the Director of the Division, with the approval of the Board of Pardons and Paroles: 26 to 55 years of age, with four years of successfully completed education in an accredited college or university, and two years of full time paid employment in responsible correctional work with adults or juveniles, social welfare work, teaching, or personnel work. Additional experience in the above categories may be substituted year for year for the required college education, with a maximum substitution of two years.

Sec. 29. Any parole officer or supervisor employed by the Division of Parole Supervision, may, with the approval of the Director, be designated as a probation officer by the judge of a court of the state having original jurisdiction of criminal actions. Any proportional part of the salary paid to a parole officer or supervisor so designated, however, in compensation for his service as a probation officer, shall be only with the prior written approval of the Director; and all such proportional salary payments shall be periodically reported to the Governor and the Legislature by the Director.

Sec. 30. In order to provide supervision of parolees or of persons granted executive clemency who reside in sparsely settled areas of the state and in localities not served by regularly employed parole officers, the Governor of this state is authorized to appoint chairmen of Voluntary Parole Boards for such areas or localities. The appointed chairmen may, with the advice and approval of the Director of the Division of Parole Supervision, appoint additional members of such Volunteer Parole Boards. The term of service by such appointed chairmen of Voluntary Parole Boards shall not exceed the term of office of the appointing Governor; and the terms of service of locally appointed additional members of such Voluntary Parole Boards shall not exceed the terms of office of the Director. However, it is expressly provided that the terms of service by such chairmen and additional members of Voluntary Parole Boards may be continued by appropriate reappointments. The chairmen of the Voluntary Parole Board shall be responsible for assign-

ing supervision of parolees to the members of such Board.

Sec. 31. No person who is serving as a sheriff, deputy sheriff, constable, deputy constable, city policeman, Texas Ranger, state highway patrolman, or similar law enforcement officer, or as a prosecuting attorney, assistant prosecuting attorney or investigator for a prosecuting attorney, shall act as a parole officer or be responsible for the supervision of persons on parole.

Sec. 32. Any parole officer or supervisor employed by the Division of Parole Supervision may, upon request of the Governor or the Board of Pardons and Paroles and by direction of the Director, be responsible for supervising persons placed on conditional pardon or furlough.

Article V. General Provisions

Sec. 33. The provisions of this Act shall not be construed to prevent or limit the exercise by the Governor of powers of executive clemency vested in him by the constitution of this state.

Sec. 34. The provisions of this Act shall not apply to parole from institutions for juveniles.

Sec. 35. The following statutes are hereby repealed: Chapter 452, Acts 50th Legislature, Regular Session, 1947, (Adult Probation and Parole Law of 1947, codified as Article 781 b of Vernon's Texas Code of Criminal Procedure); Article 775 a, Code of Criminal Procedure; Articles 959 through 966, Code of Criminal Procedure; all statutes authorizing appointment of adult probation and parole officers where a probation and parole officer had not been assigned in accordance with the provisions of Chapter 452, Acts of the 50th Legislature. All other laws or parts of laws in conflict herewith are hereby repealed in so far only as they conflict with the provisions of this Act. However, nothing in this Act shall be construed as repealing Articles 776 through 781 of the Texas Code of Criminal Procedure, 1925, as heretofore amended, or Section 4 of Chapter 43, General Laws 42nd Legislature, 1931 (Article 776 a of Vernon's Texas Code of Criminal Procedure), which statutes are commonly known as the Suspended Sentence Law; or as repealing Chapter 440, Acts of the 52nd Legislature, 1951, (Uniform Act for Out-of-State Parole Supervision).

Sec. 36. This Act shall not be

deemed to alter or invalidate any probationary period fixed under statutes in force prior to the effective date of this Act or to limit the jurisdiction or power of a court to modify or terminate such probationary period. In other respects, persons placed on probation or parole prior to the effective date of this Act shall be amenable to the provisions of this Act in so far as it may be made applicable to them. All other actions pertaining to probations and paroles granted prior to the effective date of this Act shall be regulated according to the law in force at the time the probation or parole was granted.

Sec. 37. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 38. The fact that this state lacks effective probation and parole systems for the rehabilitation of convicted defendants and prisoners; the fact that the prison population of this state is growing three times faster than the general population due to the lack of an effective system of parole supervision; and the further fact that various Attorneys General opinions have raised fundamental questions of constitutionality in the present statute which this Act seeks to resolve, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Senate Resolution 441

Senator Weinert by unanimous consent offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 60 students of the 4th Grade of Campus Elementary School, San Marcos, Hays County, Texas, accompanied by their teachers, Mrs. Clare

French and Mrs. Maxine Cunningham; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students, Mrs. French and Mrs. Cunningham to the Members of the Senate.

Senate Bill 194 with House Amendments

Senator Smith called S. B. No. 194 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Smith moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 204 with House Amendments

Senator Martin called S. B. No. 204 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 278, A bill to be entitled "An Act amending the Insurance Code of Texas, Acts, 1951, Fifty-second Legislature, Chapter 21, General Provisions, by adding Article 21.46, providing for the deposit of securities, or the payment of taxes, fines, penalties, etc., as a condition precedent to doing business in this State by insurance companies organized in a State, the laws of which require similar deposits in said State by similar companies organized under the laws of the State of Texas transacting business in said State; enacting other provisions relating to the subject; and further providing for the cancellation or refusal of authority to do business in the State of Texas by insurance companies organized under the laws of States or foreign countries which do not duly recognize the certificate of solvency and good management issued by this State to domestic insurance companies; and declaring an emergency."

H. B. No. 555, A bill to be entitled "An Act (amending the Insurance Code of Texas, Acts 1951, Fifty-second Legislature, Chapter 21 by adding a new article thereto) to provide that minors not less than ten years of age and without guardians of their estates may contract for and otherwise acquire policies of life, term or endowment insurance, or annuity contracts, and exercise all rights and powers and give valid acquittance thereunder notwithstanding their minority and as though of full legal age; providing for conditions and limitations with respect to the operation of the Act; repealing all laws and parts of laws in conflict and to the extent of such conflict; and declaring an emergency."

H. B. No. 900, A bill to be entitled "An Act amending Article 23, Section 1, Revised Civil Statutes, 1925.

H. B. No. 433, A bill to be entitled "An Act revising the employers' liability and workmen's compensation insurance laws of this State by amending and adding to certain sections of Articles 8306, 8306a, 8307, and 8309, Revised Civil Statutes of 1925, as amended; amending Sections 7, 7c, 7d, 7e, 8, 8a, 9, 10, 11, 12, 12b, 18, 19,

and 26d of Articles 8306, Revised Civil Statutes of 1925; removing present limitations of medical service benefits and providing that such services shall include treatments necessary to physical rehabilitation and providing for referral of an injured employee by the Board of the Vocational Rehabilitation Division of the Texas Education Agency in cooperation between the Board and said Division regarding vocational rehabilitation; fixing fees of attorneys before the Board, single member or Commissioner, and before the courts and placing certain limitations thereon and providing for the payment thereof and the approval thereof by the Board, single member or Commissioner, or the courts; providing for the payment into the Second Injury Fund under certain circumstances by the association; fixing the liability of the association to furnish artificial or prosthetic appliances and removing the present limitation on the cost thereof; fixing the benefits payable in cases of death, with limitations, and providing to whom payable; fixing requirements for appointment of guardian for minor beneficiaries in death cases; fixing the benefits payable in cases of funeral expenses, with limitations, and providing to whom payable; fixing the benefits payable for total incapacity, with limitations; providing the method of determining extent of partial incapacity and the method of computing compensation therefor; with limitations on amount payable; providing elements to be proved in case of a hernia and fixing benefits payable in such cases; providing procedure to be followed by the Board where the association willfully refuses or fails to pay compensation accrued or to comply with a final award; providing for the extraterritorial effects of this law upon an employee who is injured outside of this State, with limitations; fixing the liability for medical treatment in cases of silicosis and asbestosis, with limitations; amending Article 8306a, Revised Civil Statutes of 1925; providing for four per cent (4%) discount for present payment of compensation in certain cases and for four per cent (4%) interest on compensation in certain cases and for payments of compensation to alien beneficiaries; amending Sections 1, 2, 3, 4, 5, 5a, 5b, 7 and 12 of Article 8307, Revised Civil Statutes of 1925, and adding a new section; providing for the

appointment and organization of the Industrial Accident Board and the qualifications, salaries, and terms of office of the members thereof and for the employment of Commissioners and other employees of said Board and salaries and duties of said Commissioners and other employees; granting power of said Board to make necessary rules and regulations to carry out and enforce the provisions of these laws; defining the powers and duties of said Board and of its Commissioners in and providing new procedures for processing, hearing and determining disputed claims for compensation and rendering awards; providing for automatic adjustment of maximum weekly benefit amounts and the procedure to be followed by the Board and the Board of Insurance Commissioners in effectuating such automatic adjustment; providing procedures for review of any award of a single member or Commissioner by the Board and for appeal to court from any such award and trial de novo on such appeal, and for continuing jurisdiction of Commissioners in some cases; providing for enforcement of such awards by the claimant in the courts and the procedure to be followed therefor; providing for rules of procedure relating to hearings; reviews, production of evidence, and contemptuous conduct, and the venue for such hearings by the Board, single member or Commissioner; requiring every employer to include in his report of accident the weekly wage of the injured employee; providing for compromise, commutation, adjustment and settlement of disputed claims for compensation and the procedure to be followed in such cases; creating a Workmen's Compensation Fund to provide for the cost of administration of these laws to be made up of payments of a tax on gross premiums not to exceed one (1%) of same and the method of determining the amount of tax by the Board of Insurance Commissioners; amending Article 8309, Revised Civil Statutes of 1925, by adding two new sections; providing definitions of certain terms and adding definitions in connection with the term 'injury sustained in the course of employment'; providing for self-insurance and qualifications, rights, and fees in connection therewith, prescribing certain duties for the Board of Insurance Commissioners in connection with self-insurance; providing

for effective dates of various provisions of this Act; providing a savings clause; repealing all laws in conflict; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 444

Senator Fly by unanimous consent offered the following resolution:

Whereas, we are honored today to have in the gallery of the Senate nine members of the 7th Grade of Choate Junior High School of Choate, Texas, accompanied by their sponsor, Mr. Thomas E. Dannelly; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fly by unanimous consent presented the students and Mr. Dannelly to the Members of the Senate.

Senate Resolution 445

Senator Gonzalez by unanimous consent offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Alamo Heights High School, San Antonio, Government Class accompanied by their sponsor, Miss Johnnie McCaughan; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal

of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students and Miss McCaughan to the Members of the Senate.

House Bill on First Reading

The following bill received from the House was read first time and referred to the committee indicated:

H. B. No. 922, To the Committee on Jurisprudence.

Vote Reconsidered on Committee Substitute Senate Bill 100

Senator Hazlewood asked unanimous consent to Call from the Journal the motion to reconsider the vote by which C. S. S. B. No. 100 was finally passed which motion was spread on the Journal on Wednesday, April 24, 1957.

There was no objection offered.

The vote was reconsidered and the Presiding Officer laid C. S. S. B. No. 100 before the Senate on its third reading and final passage.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill 100 by adding an additional section thereto, to read as follows:

"Sec. 4. The fact that service of passenger trains on branch lines is being discontinued from time to time without proper regard to public convenience and necessity creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in three several days in each House be suspended; and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage as herein provided, and it is so enacted."

The amendment was adopted by the following vote:

Yeas—22

Aikin	Gonzalez
Bracewell	Hazlewood
Bradshaw	Herring
Fly	Kazen
Fuller	Krueger

Lane	Ratliff
Lock	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Secrest
Phillips	Smith

Nays—6

Ashley	Hudson
Colson	Parkhouse
Hardeman	Weinert

Absent

Owen	Wood
Willis	

The bill as amended was again passed.

Record of Votes

Senators Ashley, Parkhouse, Weinert and Ratliff asked to be recorded as voting "Nay" on the final passage of C. S. S. B. No. 100.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on Senate Bill No. 154 by a vote of 134 ayes and 1 noes, and 1 present not voting.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committee

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 917, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 922, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Secrest by unanimous consent submitted the following report:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 414, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Chairman.

Senator Owen by unanimous consent submitted the following reports:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 473, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 467, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

(President in the Chair.)

Minority Report Substituted for Majority Report on House Bill 187

The President laid before the Senate as pending business the motion by Senator Fly to substitute the Minority Report on H. B. No. 187 for the Majority Report and that H. B. No. 187 be printed.

Question: Shall the Minority Report be substituted for the Majority Report on H. B. No. 187 and that H. B. No. 187 be printed?

(Pending discussion by Senator Krueger of the motion, Senator Aikin occupied the Chair.)

(President in the Chair.)

The Minority Report was substituted for the Majority Report on H. B. No. 187 and H. B. No. 187 was ordered printed by the following vote:

Yeas—16

Aikin	Lane
Bradshaw	Lock
Fly	Owen
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Rogers
Hudson	Smith
Kazen	Weinert

Nays—14

Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Herring	Roberts
Krueger	Secrest
Martin	Willis
Moffett	Wood

Absent

Hardeman

Conference Committee Report on Senate Bill 237

Senator Krueger submitted the following Conference Committee Report on S. B. No. 237:

Austin, Texas,
April 29, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee appointed to adjust the differences between the Senate and

the House of Representatives on Senate Bill 237, have met and had same under consideration. We are pleased to report it back with the recommendation that it do pass in the form attached.

AIKIN
LANE
KRUEGER
RATLIFF
SMITH

On the part of the Senate.

BLAINE
COTTEN
MANN
MARTIN
MURRAY

On the part of the House.

S. B. No. 237,

A BILL
TO BE ENTITLED

An Act to amend Article 3930 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1945, 49th Legislature, Regular Session, Chapter 368, Page 662, Section 4, relating to fees which the clerks of the County Courts shall receive for their services; containing a repealing clause and a savings clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 3930 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1945, 49th Legislature, Regular Session, Chapter 368, Page 662, Section 4, is amended to read as follows:

Article 3930. COUNTY CLERK. Clerks of the County Court may receive not to exceed the following fees:

Filing each paper, except subpoenas and other process . . . \$.25
Issuing subpoena for one witness50
For each additional witness names in same subpoena . . .15
Issuing notices, including copies for posting or publication . .1.25
Docketing each application, complaint, petition, or proceeding, to be charged but once . . .1.00
Issuing each citation including copy hereof1.25
Swearing and impaneling a jury 1.00
Swearing each witness10
Issuing letters testamentary, of administration or guardianship .75

Administering oath to executor, administrator, or guardian . . .25
Administering oath with certificate and seal50
Administering oath in other cases without certificate and seal . .25
Entering each claim against an estate on claim docket25
Approving bond, except bond for costs and notarial bond . . .1.50
Approving and filing a notarial bond and qualifying notary public2.00
Issuing each commission to take depositions1.00
Taking deposition, each 100 words15
Issuing each execution, order of sale, writ of possession, restitution or other writ not otherwise provided for . . .1.50
Recording each final judgment or decree up to 200 words . . .1.00
Recording any final judgment or decree which exceeds 200 words, an additional fee for each 100 words in excess of 200 words20
Abstracting judgment1.00
Recording abstract of judgment 1.00
Taxing bill of costs in each cause, with a copy thereof50
Recording return of any writ, when any such return is required by law to be recorded .50
Filing and recording each rental lien1.00
Filing and registering each chattel mortgage or other written lien on personal property with or without transfer thereof in same instrument75
Filing and registering separate or subsequent transfer thereof 75
Filing, registering and entering the satisfaction and release of the following:
Any instrument registerable under Article 5498 of the Revised Civil Statutes of Texas, 1925, as a lien on personal property situated on realty1.50
Any other chattel mortgage or instrument intended as a chattel mortgage or lien on personal property75
Indexing each name in any instrument required or permitted to be filed, recorded or registered in the office of the County Clerk10

Filing, recording and certifying to each tax receipt	.75
Recording and certifying bills of sale under the stock laws	1.00
Recording each mark and brand or either	.75
Revising the list of marks and brands, a reasonable fee.	
Filing and recording the bond and sworn statement of a live-stock commission merchant	1.00
Making a certified copy of such bond and statement	1.00
Issuing and recording marriage license	3.00
Issuing each license other than marriage license where the law provides for him to issue same	1.00
Transcribing, comparing and verifying record books of his office, payable out of the County Treasury upon warrant, issued under the order of the Commissioners Court, for each 100 words	.15
Issuing each certificate to any fact or facts contained in the records of his office, not otherwise provided for	1.00
Recording, transcribing or copying all papers or records required or permitted by law to be recorded, transcribed or copied, with or without certificate and seal, for each 100 words, not otherwise provided for	.20
and	
Providing, however, that the minimum fee for recording any paper or record shall be	1.00
Filing assignment of accounts receivable or notice of assignments of accounts receivable	.75
Filing notice of franchise tax liens in mortgage records	1.00
Filing a notice of franchise tax liens in chattel mortgage records	.75
Abstract of chattel mortgages, one mortgage, either written or oral	.50
For such other duties as may be prescribed by the Legislature, reasonable fees shall be charged.	

Sec. 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of conflict only.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act

which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The fact that the Officers' Salary Fund in most of the counties of Texas are inadequate and insufficient to take care of the expenses of the officers affected hereby, thereby placing an extra burden on the already overburdened general funds of such counties, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended; and such rule is hereby suspended: and this act shall take effect and be in force from and after its passage; and it is so enacted.

The report was read and was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 106, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas, in consideration of certain benefits accruing and to accrue to the State, to convey to the United States of America certain land in Hidalgo County, Texas for the construction thereon of a federal horticultural and soils laboratory building at no expense to the State of Texas; providing for reservation of all minerals to the State of Texas for the use and benefit of the Agricultural and Mechanical College of Texas, and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act amending Article 768, Code of Criminal Procedure, 1925, relating to credit for time spent in jail between arrest and sentence or pending appeal, so as to make its provisions applicable to misdemeanor cases; and declaring an emergency."

S. B. No. 285, A bill to be entitled "An Act relating to ex officio road commissioners; amending Article 6762, which is House Bill 250, Chapter CXIV, General and Special Laws, 27th Legislature, 1901, p. 277, so as to cover ex officio commissioners in counties of 35,000 inhabitants or more."

S. B. No. 316, A bill to be entitled "An Act authorizing the State Building Commission to lease existing buildings situated on property acquired prior to the effective date of this Act by the State Building Commission; making other provisions relating thereto and declaring an emergency."

S. C. R. No. 47, Granting Agriculture and Mechanical College permission to accept land in Galveston County.

S. C. R. No. 48, Granting A. Vincent permission to sue the State of Texas.

S. C. R. No. 72, Enrolling Clerk to make certain corrections in S. B. No. 94.

S. J. R. No. 4, Proposing an Amendment to Section 56 of Article XVI of the Constitution of the State of Texas, providing that the Legislature be authorized to appropriate money and establish the procedure necessary to expend such money for the purpose of developing information about the natural, agricultural, industrial, educational, marketing and living resources of Texas and for the purpose of informing the people of Texas and other states through advertising, public relations or other promotional work, of the facts about and advantages offered by the State of Texas.

Recess

On motion of Senator Moffett the Senate at 11:53 o'clock a.m. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m. today.

Reason for Vote

I was necessarily absent on business when the vote was taken to substitute the Minority Report for the Majority Report on H. B. No. 187. Had I been present at the time I would have voted "Present" because of the provisions of Art. III, Sec. 22, of the Constitution.

HARDEMAN

House Bills on First Reading

The following bills received from the House were read the first time

and referred to the committees indicated:

H. B. No. 433, To the Committee on Insurance.

H. B. No. 360, To the Committee on State Affairs.

H. B. No. 906, To the Committee on State Affairs.

H. B. No. 639, To the Committee on State Affairs.

H. B. No. 900, To the Committee on Insurance.

H. B. No. 278, To the Committee on Insurance.

H. B. No. 555, To the Committee on Insurance.

H. B. No. 653, To the Committee on State Affairs.

H. B. No. 925, To the Committee on State Affairs.

Communication from Teachers Retirement Board

The following communication received from the Chairman of the Teachers Retirement Board was read and was filed with the Committee on Nominations:

Amarillo, Texas,
March 12, 1957.

Honorable Ottis Lock
Texas Senate
Austin, Texas

Dear Senator Lock:

This is to advise you, as Chairman of the Governor's Nominating Committee, that the Board of Trustees of the Teacher Retirement System of Texas has appointed Mr. Frank M. Jackson as Executive Secretary of the Retirement System. I am sure that you would like to have this information so that your committee may consider his confirmation.

Very sincerely,

Charles M. Rogers, Chairman
Teacher Retirement Board

Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
April 30, 1957.

To the Senate of the Fifty-fifth
Legislature:

I ask the advice, consent and con-

firmation of the Senate with respect to the following appointments:

To be a member of the State Board of Dental Examiners, to fill the unexpired term of Dr. William T. Gibbs, resigned, term to expire May 24, 1959: Dr. Sam H. Rabon of Kingsville, Kleberg County.

To be members of the State Board of Dental Examiners, for six-year terms to expire May 24, 1963: Dr. Emmett R. Johnson of Dallas, Dallas County; Dr. R. T. Weber of Austin, Travis County.

Respectfully submitted

PRICE DANIEL,
Governor of Texas.

Message from the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
April 30, 1957.

To the Members of the Fifty-fifth Legislature:

The present flood disaster in many parts of Texas and recent storms and tornadoes have made it necessary to activate units of the National Guard in the stricken areas to assist in relief and evacuation work and to help maintain order.

As a result, the Adjutant General's Department has exhausted the \$2,000 appropriation for this purpose for Fiscal Year 1957.

The necessity for calling out troops in areas of flood and other disaster may arise at any time, and it is of utmost importance that funds be available to permit the use of the National Guard whenever necessary.

I, therefore, submit as an emergency matter and urge the earliest possible consideration of legislation appropriating the sum of \$20,000 for the remainder of the fiscal year ending August 31, 1957, supplementing the appropriation for Martial Law and Emergency Use of Troops in Line Item 85 of the appropriations to the Adjutant General's Department in Chapter 519, Acts of the 54th Legislature.

Respectfully submitted

PRICE DANIEL,
Governor of Texas.

Conference Committee Report on Senate Bill 89

Senator Hardeman submitted the

following Conference Committee Report on S. B. No. 89:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 89, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

HARDEMAN
LANE
RATLIFF
AIKIN
KRUEGER

On the part of the Senate.

ANDERSON
LEE
OLIVER
BAKER
PATTERSON

On the part of the House.

S. B. No. 89:

A BILL

TO BE ENTITLED

"An Act amending Chapter 163, Acts of 52nd Legislature, Regular Session, 1951, House Bill No. 384, page 280; same being known as Article 4591 of the Revised Civil Statutes of Texas, as amended by Acts of 1893, page 4, as amended by Acts of 1911, page 52 and Acts of 1921, page 99, and by Acts of 42nd Legislature, 1931, Chapter 8, paragraph 1, page 9, by designating certain days as legal holidays on which all public offices of the state may be closed; providing for certain exceptions and designating the legal holidays for banking purposes; providing for the effective date of such Act; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 4591, Chapter 163, Acts, 52nd Legislature, Regular Session, amended by Acts of the 42nd Legislature, 1931, Chapter 8, paragraph 1, page 9, be and the same is hereby amended so as to read hereafter as follows:

"Article 4591. The first day of January, the 19th day of January, the 22nd day of February, the second day

of March, the 21st day of April, the third day of June, the fourth day of July, the first Monday in September, 12th day of October, the 11th day of November, the fourth Thursday in November, and the 25th day of December, of each year, and every day on which an election is held throughout the state, are declared legal holidays, on which all the public offices of the state may be closed and shall be considered and treated as Sunday for all purposes regarding the presenting for the payment or acceptance and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes placed by the law upon the footing of bills of exchange."

Section 2. Section 1c of Chapter 230, Acts of the Fiftieth Legislature, as added by Chapter 16, Acts of the Fifty-fourth Legislature (codified as Sec. 1c of Article 4591d, Vernon's Texas Civil Statutes) is amended to read as follows:

"Sec. 1c. Notwithstanding any existing provisions of law relative to negotiable or non-negotiable instruments, but subject to the provisions of Section 1a of this Act, only the following enumerated dates are declared to be legal holidays for banking purposes on which each bank and trust company in Texas shall remain closed. The dates referred to are Sundays, January 1 (New Year's Day), April 21 (San Jacinto Day), July 4 (Independence Day), the first Monday in September (Labor Day), the fourth Thursday in November (Thanksgiving Day) and December 25 (Christmas Day). All such days and the weekday on which a bank or trust company may elect to close for general banking purposes as provided in Section 1a of this Act) shall be treated as Sunday for all purposes and not a business day and any act authorized, required or permitted to be performed at or by any bank or trust company on such day may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result therefrom. Any day in which an election is being held shall not be considered or construed as a bank legal holiday."

Section 3. This Act shall take effect January 1, 1958.

Section 4. The fact that present State law setting Thanksgiving Day on the last Thursday in November creates a conflict and duplication of

Thanksgiving holidays for those years with November months containing five Thursdays, and the further fact that business and government need advance notice for adequate planning, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after January 1, 1958, and it is so enacted.

The report was read and was adopted.

Committee Substitute Senate Bill 312 on Second Reading

Senator Herring asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 312 for consideration at this time.

There was objection.

Senator Herring then moved to suspend the regular order of business and take up C. S. S. B. No. 312 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lane
Ashley	Lock
Bradshaw	Martin
Colson	Moffett
Fly	Moore
Gonzalez	Phillips
Hardeman	Ratliff
Herring	Roberts
Hudson	Rogers
Kazen	Smith
Krueger	Weinert

Nays—9

Bracewell	Reagan
Fuller	Secrest
Hazlewood	Willis
Owen	Wood
Parkhouse	

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 312, A bill to be entitled "An Act amending Section 3, and Section 12, Acts 1937, 45th Legislature, page 16, Chapter 86 (appearing as Article 1528b, Vernon's Annotated Civil Statutes) so as to

authorize electric cooperatives, under certain conditions, to serve any structure, apparatus, or point of delivery located in rural areas, or in an area which was a rural area when the corporation first undertook service therein; prescribing the qualifications of members; repealing all laws and parts of laws in conflict herewith; providing effect on cities; containing a severability clause; and declaring an emergency."

The bill was read second time.

(Senator Moffett in the Chair.)

Senator Herring offered the following amendment to the bill:

Amend Section 1 of S. B. 312 by deleting the word "legally" where it appears in Section 3 (1) and Section 3 (2) (A) of the Act as amended.

The amendment was adopted.

(President in the Chair.)

Senator Herring offered the following amendment to the bill:

Amend Section 1 of S. B. 312 so as to substitute for Section 3 (1) the following:

"The furnishing of electric energy to any structure, apparatus or point of delivery located in a rural area."

The amendment was adopted.

Record of Vote

Senator Fly asked to be recorded as voting "nay" on the adoption of the above amendment.

Senator Herring offered the following amendment to the bill:

Amend Section 1 of S. B. 312 so as to substitute the following for Section 3 (3):

"The furnishing of electric energy to any structure, apparatus or point of delivery within the boundaries of any incorporated or unincorporated city, town, village or burrough which does not have central station service from some other supplier."

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 2 of S. B. No. 312 by deleting from Section 12 the words "for the purpose of receiving

service at the structure, apparatus or point of delivery to which the corporation is authorized to deliver electric energy" as such words appear in the first sentence so that the first sentence of Section 12 shall read:

"All persons wheresoever they may reside to whose structure, apparatus or point of delivery a corporation is authorized to furnish electric energy under the terms of Section 3 shall be eligible to membership in a corporation."

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 1 of Senate Bill No. 312 so as to strike out Section 3(2)(B) and insert in lieu thereof the following:

"If such structure, apparatus, or point of delivery is located in a service area defined in a franchise granted by the governing body of the city, town or village, or"

The amendment was read.

Senator Hardeman offered the following substitute for the amendment by Senator Herring:

Substitute for Herring amendment No. 5 to Committee Substitute for Senate Bill 312, Section 1, by striking out all of the language of paragraph (b), being lines 50 through 58, inclusive, and substituting in lieu the following:

"if such structure, apparatus or point of delivery is not actually receiving electric service from another supplier of electric energy which initially serves such structure, apparatus or point of delivery; provided that a corporation may serve any structure, apparatus or point of delivery located in a service area defined in a franchise granted by the governing body of the city, town or village, provided, further, that if a franchise is granted by the governing body of the city, town or village, it shall not embrace or include an area not being served by the corporation at the time the area became non-rural by reason of growth or annexation, but such franchise may be extended to include any structure, apparatus or point of delivery not actually receiving electric service

from another supplier of electric energy as may be set out in such franchise or extension thereof, or"

The amendment was read.

Question on the substitute for the amendment yeas and nays were demanded.

The substitute by Senator Hardeman for the amendment by Senator Herring was adopted by the following vote:

Yeas—19

Aikin	Martin
Ashley	Owen
Bracewell	Parkhouse
Fly	Phillips
Fuller	Reagan
Hardeman	Secrest
Hazlewood	Weinert
Hudson	Willis
Kazen	Wood
Lock	

Nays—12

Bradshaw	Moffett
Colson	Moore
Gonzalez	Ratliff
Herring	Roberts
Krueger	Rogers
Lane	Smith

The amendment as substituted was then adopted.

Senator Hardeman offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 312, Section 1, by adding a new paragraph or sub-section at the end thereof to be known as sub-section (6) to read as follows:

"(6) The furnishing of electric energy to persons, though they may already be receiving central station service in a rural or non-rural area, for delivery to any dwelling, structure, apparatus or point of delivery which is not receiving central station service and which is located in a rural area."

The amendment was adopted.

Senator Weinert offered the following amendment to the bill:

Amend Section 4 of Senate Bill 312 by deleting same in its entirety and substituting therefor the following:

"Section 4. Effect Upon Cities. All

statutes or parts of statutes in conflict with the provisions of this Act are hereby expressly repealed; provided, that nothing herein shall be construed as affecting the provisions of Article 1436a, and provided further, that nothing in this Act shall be construed to affect the exclusive dominion and control every city, town, and village, however created, has or may have over its public streets, sidewalks, alleys, parks, public squares and public ways within its corporate limits; and all electric cooperative corporations shall comply with all charter or ordinance provisions applicable to electric and public utilities."

The amendment was adopted.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Committee Substitute Senate Bill 312
on Third Reading**

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 312 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Nays—3

Bracewell	Parkhouse
Fuller	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Nays—4

Bracewell	Parkhouse
Fuller	Reagan

Leave of Absence

Senator Smith was granted leave of absence for the remainder of the day on account of important business on motion of Senator Lock.

Committee Substitute Senate Bill 123 on Second Reading

Senator Bradshaw asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 123 for consideration at this time.

There was objection.

Senator Bradshaw then moved to suspend the regular order of business and take up C. S. S. B. No. 123 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Krueger	Weinert
Lane	

Nays—8

Fuller	Kazen
Hudson	Moore

Rogers
Secrest

Willis
Wood

Absent

Ashley
Gonzalez

Roberts

Absent—Excused

Smith

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 123, A bill to be entitled "An Act to amend Article 5.26 of the Texas Insurance Code; providing for maximum rate of premium to be promulgated by the Board of Insurance Commissioners as to certain kinds of insurance, and deviations therefrom; providing for use on specific risks of rates in excess of maximum rates of the Board, on written application of the insured stating reasons therefor, filed with and approved by the Board; providing for the filing of an application for deviation for a lesser rate than maximum rates; providing for permission to file a rating plan or procedure producing a lesser net rate on special types or classes of risk; providing standards to be applied by the Board in passing upon applications for deviations from maximum rates; providing that the Board enter orders to permit or deny applications excepting those not denied in thirty (30) days are deemed permitted unless time for action be postponed thirty (30) additional days; providing that policies in force prior to taking effect of this Act shall not be affected hereby unless there be a change in the hazard of the risk; providing for continuing in force deviations in effect on the effective date of Act pending final determination of their validity; providing for hearings and reasonable notice of such hearings and for the hearings of witnesses respecting such matters; providing an appeal, stays pending appeal, and rules respecting such appeal from orders of the Board; repealing laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Bradshaw offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 123, Section 1, Article

5.26 by eliminating paragraph (b) appearing on page 1, lines 53 through 63, inclusive, and insert in lieu thereof the following:

"(b) Any insurer desiring to write insurance at a less rate than the maximum rate provided for in paragraph (a) above shall make a written application to the Board for permission to file a uniform percentage deviation for a lesser rate than the maximum rate, on a state-wide basis or by reasonable territories as approved by the Board, from the class rates or schedules or rating plans respecting fire insurance and its allied lines of insurance or class of risk within such kind of insurance or a combination thereof promulgated by the Board. Such application shall specify the basis of the deviation, and shall be accompanied by the data upon which the applicant relies; provided, however, such application, data and all other information filed in connection with such deviation shall be public records open to inspection at any reasonable time. The provisions of this paragraph shall not be construed to prohibit the application of a uniform scale of percentage deviations from the maximum rate provided the general standards fixed in paragraph (d) hereof are met."

The amendment was adopted.

Senator Bradshaw offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 123, Section 1, Article 5.26, paragraph (g) by placing a period (.) after the word "deviation" appearing in line 13 on page 3 and eliminating the words "and shall call a public hearing upon the request of any person made within thirty (30) days after the granting thereof on any permitted deviation" appearing in lines 13, 14 and 15 on page 3.

The amendment was read.

Senator Secrest offered the following substitute for the amendment by Senator Bradshaw:

Amend the first sentence of paragraph (g) of Article 5.26 as set forth in Section 1 of Committee Substitute for Senate Bill No. 123 (as adopted April 3, 1957) by striking out that sentence (lines 11 to 15) and substituting the following:

"(g) The Board may call a public

hearing on any application for permission to file a deviation or a hearing on a permitted deviation and shall call a hearing upon the request of any aggrieved policyholder of the company filing the deviation made within thirty (30) days after the granting or denying of any deviation."

The substitute for the amendment was adopted.

The amendment as substituted was then adopted.

Senator Bradshaw offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 123 by adding a new paragraph to Section 1, Article 5.26 to read as follows:

"(h) This Article shall not apply to any companies now operating under Chapters 12 and 13 of Title 78 of the Revised Civil Statutes of 1925, as amended, which have heretofore been repealed, or to Farm Mutual Insurance Companies operating under Chapter 16 of this Code; County Mutual Insurance Companies operating under Chapter 17 of this Code; Underwriters at a Lloyd's operating under Chapter 18 of this Code; Reciprocal and inter-insurance exchanges operating under Chapter 19 of this Code nor shall it apply to other purely mutual or to other purely profit-sharing fire insurance companies incorporated or unincorporated under the laws of this State, and carried on by the members thereof solely for the protection of their property and not for profit."

BRADSHAW
MARTIN

The amendment was read.

Question on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—20

Bracewell	Lock
Bradshaw	Martin
Fly	Moffett
Hardeman	Phillips
Hazlewood	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	Rogers

Secrest
Weinert

Willis
Wood

Nays—5

Aikin
Fuller
Hudson

Owen
Parkhouse

Absent

Ashley
Colson
Gonzalez

Herring
Moore

Absent—Excused

Smith

Senator Secrest offered the following amendment to the bill:

Amend committee substitute for Senate Bill 123 by adding a new section 1h as follows:

"(1h) Any insurer subject to Articles 5.01 or 5.13 of this Code may elect to treat any rates fixed by the Board under Article 5.01 or approved by the Board under Article 5.15 as 'maximum rates' within the meaning of this Article."

The amendment was read.

On motion of Senator Bradshaw the amendment was tabled by the following vote:

Yeas—22

Aikin
Bracewell
Bradshaw
Colson
Fly
Fuller
Hardeman
Hazlewood
Kazen
Krueger
Lane

Lock
Martin
Owen
Parkhouse
Phillips
Ratliff
Reagan
Roberts
Weinert
Willis
Wood

Nays—3

Hudson
Rogers

Secrest

Absent

Ashley
Gonzalez
Herring

Moffett
Moore

Absent—Excused

Smith

On motion of Senator Bradshaw

and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

Motion to Place Committee Substitute Senate Bill 123 on Third Reading

Senator Bradshaw moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 123 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—17

Aikin
Bracewell
Bradshaw
Colson
Fly
Hardeman
Hazlewood
Kazen
Krueger

Lane
Lock
Martin
Parkhouse
Phillips
Ratliff
Reagan
Weinert

Nays—8

Fuller
Hudson
Owen
Roberts

Rogers
Secrest
Willis
Wood

Absent

Ashley
Gonzalez
Herring

Moffett
Moore

Absent—Excused

Smith

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 99, Directing the Enrolling Clerk of the House to make certain corrections in H. B. No. 507.

H. C. R. No. 100, Suspending Joint Rules so as to permit the House to set and consider a Suspension Cal-

endar for 7:30 p.m. on Wednesday, May 1, 1957.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 446

Senator Hudson by unanimous consent offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. Jay B. Hughes, Miss Sally J. Hughes, Miss Stefanie Amtage of Minchan, Germany; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, that their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Hudson by unanimous consent presented the distinguished guests to the Members of the Senate.

Reports of Standing Committees

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 44, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendments and be printed.

WEINERT, Chairman.

Senator Bracewell by unanimous consent submitted the following reports:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 330, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

BRACEWELL, Chairman.

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 170, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass in lieu thereof and not be printed.

BRACEWELL, Chairman.

C. S. S. B. No. 170 was read first time.

Senator Moffett by unanimous consent submitted the following report:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 588, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senator Kazen by unanimous consent submitted the following report:

Austin, Texas,
April 30, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 835, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

KAZEN, Chairman.

Senate Bill 457 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 457, A bill to be entitled "An Act to prohibit the acquisition of

certain land by the State Building Commission, prohibiting the appropriation of money to pay the cost of acquiring such land, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 457 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 457 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Aikin	Martin
Bracewell	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Kazen	Rogers
Krueger	Secrest
Lane	Weinert
Lock	Willis

Nays—5

Bradshaw	Hudson
Colson	Roberts
Fly	

Absent

Ashley	Moore
Herring	Wood
Moffett	

Absent—Excused

Smith

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Fly, Roberts, Hudson, Phillips, Rogers and Colson asked to be recorded as voting "Nay" on the final passage of S. B. No. 457.

Motion to Place

Senate Bill 339 on Third Reading

Senator Ratliff asked unanimous consent to suspend the regular order

of business and take up S. B. No. 339 for consideration at this time.

There was objection.

Senator Ratliff then moved to suspend the regular order of business and take up S. B. No. 339 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present.):

Yeas—15

Bracewell	Lock
Bradshaw	Moffett
Colson	Parkhouse
Fuller	Ratliff
Hardeman	Reagan
Hudson	Weinert
Krueger	Wood
Lane	

Nays—9

Fly	Roberts
Hazlewood	Rogers
Kazen	Secrest
Owen	Willis
Phillips	

Absent

Aikin	Herring
Ashley	Martin
Gonzalez	Moore

Absent—Excused

Smith

Senate Bill 474 on First Reading

Senator Bracewell by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Krueger
Bracewell	Lane
Bradshaw	Lock
Colson	Martin
Fuller	Moffett
Hardeman	Owen
Hazlewood	Parkhouse
Herring	Phillips
Hudson	Reagan
Kazen	Roberts

Rogers
Secrest
Weinert

Willis
Wood

Absent

Ashley
Fly
Gonzalez

Moore
Ratliff

Absent—Excused

Smith

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bracewell:

S. B. No. 474, A bill to be entitled "An Act to authorize and empower the Commissioners Court of Harris County, Texas, the governing body of the Harris County Flood Control District to provide for and administer a retirement, disability and death compensation fund for the appointive officers and employees of the District; providing for the investment, reinvestment and change of investment of such funds, authorizing the governing body of said District to adopt a plan or plans of effectuating the purpose of this Act, to provide rules and regulations governing all such compensation and from time to time change any such plan, rule or regulation; providing that the contribution of such fund by the District shall be from the operating and maintenance fund of said District; making the Act cumulative of all other laws on the subject; providing that unconstitutionality of any part of the Act shall not invalidate the remainder; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Committee Substitute Senate Bill 104 on Second Reading

On motion of Senator Willis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 104, A bill to be entitled "An Act relating to ophthalmic dispensers; providing certain exemptions for ophthalmic dispensers from the provisions of Title 71, Chapter 10, Revised Civil Statutes of Texas;

amending Article 4565g, Revised Civil Statutes of Texas, allowing ophthalmic dispensers to prepare, fill, compound, and adapt ophthalmic prescriptions, dispense ophthalmic lenses, products and accessories in accordance with the specific directions of a prescription written and signed by a licensed physician or optometrist; amending Article 4565d (1), Revised Civil Statutes of Texas, allowing ophthalmic dispensers to measure interpupillary distances and make facial measurements for the purpose of dispensing or adapting ophthalmic prescriptions, products and accessories in accordance with the specific directions of a written prescription signed by a licensed physician or optometrist; prohibiting fraudulent, deceitful or misleading statements concerning ophthalmic lenses, eyeglasses, spectacles and other optical goods; repealing all laws and parts of laws in conflict with this Act and declaring that the remainder of this Act shall not be affected by the unconstitutionality of any parts thereof; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend Sections 1 and 2 of Senate Bill 104 by deleting therefrom the words "and for artificial eyes" whenever such combination of words shall appear.

The amendment was adopted.

On motion of Senator Willis and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Committee Substitute Senate Bill 104 on Third Reading

Senator Willis moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 104 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin

Bracewell

Bradshaw	Martin
Colson	Moffett
Fly	Owen
Fuller	Parkhouse
Hardeman	Phillips
Hazlewood	Reagan
Herring	Rogers
Hudson	Secrest
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent

Ashley	Ratliff
Gonzalez	Roberts
Moore	

Absent—Excused

Smith

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Ashley	Moore
Gonzalez	Ratliff

Absent—Excused

Smith

Senate Bill 456 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at time time on its second reading and passage to engrossment:

S. B. No. 456, A bill to be entitled "An Act authorizing the State Board of Education to acquire, purchase and contract for books published in

Braille as are recommended suitable for use as textbooks for the education of the blind scholastics in the public school systems of Texas, pursuant to rules and regulations adopted by the State Board; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 456 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 456 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Bracewell	Martin
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent

Ashley	Moffett
Lane	Moore

Absent—Excused

Smith

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Motion to Place**Senate Bill 451 on Second Reading**

Senator Owen asked unanimous consent to suspend the regular order of business and take up S. B. No. 451 for consideration at this time.

There was objection.

Committee Substitute**Senate Bill 189 on Second Reading**

On motion of Senator Lock and by

unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 189, A bill to be entitled "An Act constituting the State Board of Control purchasing agent for state agencies and certain other agencies; imposing duties to buy competitively on the State Board of Control; authorizing the State Board of Control to utilize the most efficient purchasing methods; establishing a specifications and standards program; authorizing the Board of Control to maintain usage figures on State consumption of materials, supplies services, and equipment; saving certain rights and obligations; repealing certain statutes and laws, and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend Senate Bill 189 by deleting the period at the end of Section 14 and by adding the following:

"and shall make such rules and regulations public and available to all interested parties."

The amendment was adopted.

On motion of Senator Lock and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Committee Substitute Senate Bill 189 on Third Reading

Senator Lock moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 189 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Gonzalez
Bracewell	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Fly	Hudson
Fuller	Kazen

Krueger	Ratliff
Lane	Reagan
Lock	Roberts
Martin	Rogers
Moffett	Secrest
Owen	Weinert
Parkhouse	Wood
Phillips	

Absent

Ashley	Willis
Moore	

Absent—Excused

Smith

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Committee Substitute Senate Bill 190 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 190, A bill to be entitled "An Act designating the State Board of Control as agent to sell and dispose of all state owned surplus and salvage personal property; authorizing the State Board of Control to utilize the best methods for sale and disposal of state owned surplus and salvage personal property; reappropriating advertising costs to the Board; permitting inter-agency transfer of surplus property under certain circumstances; authorizing the Board of Control to delegate to other state agencies the right to sell or dispose of surplus or salvage personal property under certain circumstances; providing a means of removal from the state inventory of surplus or salvage personal property; saving certain rights and obligations; repealing certain statutes and laws, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Committee Substitute Senate Bill 190 on Third Reading

Senator Lock moved that the Constitutional Rule and Senate Rule 32

requiring bills to be read on three several days be suspended and that C. S. S. B. No. 190 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Weinert
Krueger	Wood
Lane	

Absent

Ashley	Willis
Moore	

Absent—Excused

Smith

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committees

Senator Owen by unanimous consent submitted the following reports:

Austin, Texas,
April 30, 1957.

Hon Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 654, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
April 30, 1957.

Hon Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 474, have had the

same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Senator Bracewell by unanimous consent submitted the following report:

Austin, Texas,
April 30, 1957.

Hon Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 278, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRACEWELL, Chairman.

Senate Resolution 447

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 7th Grade Class of O' Henry Junior High School in Austin, Travis County, Texas, accompanied by their teacher, Mrs. Roberta Cummings; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to this class in recognition of their visit.

The resolution was read and was adopted.

Senate Bill 102 in Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 102, A bill to be entitled "An Act amending Section 2 of Article V of Senate Bill 116, Chapter 334, Acts of the 51st Legislature,

Regular Session, 1949, as amended by Senate Bill 90, Chapter 198, Acts of the 52nd Legislature, Regular Session, 1951 (Article 2922-15, V. C. S., as amended) to eliminate the 1949-50 exception 'cost factor' clause in the fifth paragraph thereof and obsolete subsection (e) in order that transportation funds may be allotted on the formula basis established therein; authorizing a School Bus Revolving Fund; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 102 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 102 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Weinert
Krueger	Wood
Lane	

Absent

Ashley	Willis
Moore	

Absent—Excused

Smith

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 142 on Second Reading

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up S. B.

No. 142 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up S. B. No. 142 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Lock
Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Weinert
Kazen	Wood
Lane	

Nays—4

Krueger	Moffett
Martin	Rogers

Absent

Ashley	Moore
Fly	Secrest
Herring	Willis
Hudson	

Absent—Excused

Smith

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 142, A bill to be entitled "An Act to amend Article 3.39 of Chapter 3 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1955, 54th Legislature, Page 916, Chapter 363, Section 12) to regulate the investment of the funds of life insurance companies; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following committee amendment to the bill:

Amend Senate Bill No. 142 by striking out all of Paragraph 10 thereof and inserting in lieu thereof the following:

"10. Any such company may also invest or loan its funds and accumu-

lations in or upon any other securities or properties, provided such securities or properties are approved by the Board of Insurance Commissioners as being substantially of equal grade and quality as those hereinbefore specified; and provided further that in no event shall the aggregate amount of any such investments under this subdivision exceed the lesser of the following:

(a) Ten (10%) per cent of the admitted assets of the insurance company making the investment; or

(b) The total value of such company's surplus and contingency funds over and above its policy reserves."

The committee amendment was read.

On motion of Senator Parkhouse and by unanimous consent the committee amendment was withdrawn.

Senator Parkhouse offered the following committee amendment to the bill:

Amend Senate Bill 142, Page 3, by substituting the following in lieu of Subsection 6 of Section 1 thereof:

"6. It may invest any of its funds and accumulations in shares or share accounts of building and loan or savings and loan associations doing business in this State where such shares are insured under and by virtue of the Federal Savings and Loan Insurance Corporation; and in the stock of banks, either state or national, that are members of the Federal Deposit Insurance Corporation; provided, however, that under this Section 6,

and except as authorized in Section 4 of this Article, no more than five (5%) per cent of the admitted assets of the insurance company making the investment may be made in the stock of such banks and no such investment shall exceed twenty (20%) per cent of the total outstanding shares of any such individual building and loan association, savings and loan association, or stock of such bank. The investment powers conferred by this Section 6 are in addition to those conferred by Section 4 of this article and are not to be construed as restricting the powers already granted by said Section 4, and this Section 6 and the powers conferred herein are cumulative with respect to the said Section 4 and the powers conferred therein."

The committee amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question—Shall S. B. No. 142 be passed to engrossment?

Special Notice

Senator Lane gave notice that he would on tomorrow move to suspend the necessary rules to take up H. B. No. 231.

Adjournment

On motion of Senator Weinert the Senate at 5:57 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Mrs. Lizette Cudd Howe

Senator Rogers by unanimous consent offered the following resolution:

(Senate Resolution 438)

Whereas, In the passing of Mrs. Lizette Cudd Howe, of Wellington, Texas, on the 4th day of May, 1956, Collingsworth County lost one of its most beloved and respected citizens; and

Whereas, Mrs. Howe had lived in Wellington for many years and was well known for her thoughtfulness to friends, her many kindnesses to people in all walks of life, and had been prominently identified with the work of the Methodist Church for many years; and

Whereas, Mrs. Howe, who was born Lizette Harrison, came to Hall County as a child and received her education in the schools there, and on November 22, 1914, married Noel T. Cudd, with whom she was closely associated in business until the time of his death in 1941; and

Whereas, She is survived by three sons and a daughter, Hiram Cudd, Wayne Cudd and Mrs. Hubert Bowen of Wellington, and Noel Cudd of Corpus Christi, and several brothers and sisters; and

Whereas, It is the desire of the Senate to acknowledge the passing of this worthy and beloved citizen and civic leader and to express its sympathy to the family; now, therefore, be it

Resolved, by the Senate of the State of Texas, That we do hereby acknowledge the passing of Mrs. Lizette Cudd Howe and express our sympathy to her family; and be it further

Resolved, That copies of this resolution, under the seal of the Senate, be mailed to her surviving children.

ROGERS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Owen and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Charles M. Christie

Senator Roberts by unanimous consent offered the following resolution:

(Senate Resolution 442)

Whereas, On April 11, 1957, the life of a distinguished and honored Texan, Charles M. Christie, reached its peaceful end and the State of Texas, and in particular the people of Collin County, have suffered an irreparable loss; and

Whereas, The people of Texas and Plano mourn the passing of this good and unselfish business, political and civic leader who was a deeply religious man and an officer in the First Christian Church of Plano; and

Whereas, Charles M. Christie was born November 5, 1890, in Allen, Collin County, Texas, the son of C. M. (Lone) Christie and Artie Belle Christie; and

Whereas, He was married to Jessie V. Robbins on February 12, 1916; in 1917, he moved to Quanah where he farmed for several years before entering the insurance and real estate business; in 1931, the family moved to Abilene where they lived until 1935; at this time they returned to Collin County to make their home in Plano; and

Whereas, Mr. Christie through his wise and sound business principles plus a deep faith in his fellowman, was the successful owner of the International Harvester Dealership; and

Whereas, Mr. Christie was a former President of the Plano Chamber of Commerce; was a delegate to the National Democratic Convention in 1952; was active in the life and activities of his city and community; and

Whereas, This beloved man is survived by his wife; two sons, C. J. Christie, of Plano, and Bill C. Christie, of McKinney; daughter, Miss Alene Christie, of Plano; five grandchildren; two brothers, F. F. Christie, of Dublin, and O. C. Christie, of Wichita Falls; and three sisters, Mrs. W. A. Giddings and Mrs. B. C. Cook, both of Plano, and Mrs. C. K. Peters, of Greenville, Texas; and

Whereas, The Senate further recognizes that Charles M. Christie was widely respected and enjoyed a special place in the heart of all who knew him; and was a great and good man, loyal and true to his family and friends; and had a happy faculty of doing a maximum of good with a minimum of publicity; now, therefore, be it

Resolved, That it is the desire of the Senate of Texas to acknowledge the achievements and benefactions of this distinguished Texan; and to extend to his family its most sincere sympathy; and, now, therefore, be it finally

Resolved, That a copy of this resolution be sent to the surviving members of his family as a token of respect and sympathy; and that when the Senate adjourns today it do so in his honor and memory.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
The Honorable H. L. Davis

Senator Roberts by unanimous consent offered the following resolution:

(Senate Resolution 443)

Whereas, In the passing of The Honorable H. L. Davis, of McKinney, Texas, the people of Collin County, and the City of McKinney, as well as the State of Texas, lost one of its most worthy and outstanding citizens; and

Whereas, Judge Davis was born in Grayson County, Texas, near the City of Howe, in 1861; graduated from Savoy College in 1883; received his law degree from the University of Texas in 1885; and

Whereas, He was married to Miss Emma Umphress, of Van Alstyne, in 1886; then moved to McKinney, where he engaged in the practice of law and was honored with the position of City Recorder of McKinney, serving in that capacity during the year 1890 through 1893; served as Assistant County Attorney of Collin County from 1897 through 1898; practiced law in McKinney until about 1910; then was elected County Judge, serving that office six years; and

Whereas, Judge Davis served many years as Chairman of the Boyd School fund; was a member of the Masonic Lodge of McKinney; the Independent Order of Odd Fellows; Woodmen of the World; and

Whereas, He was a member of the First Christian Church, serving as an elder for many years; was honored by his church with the position of "Elder Emeritus," proof of the esteem in which he was held by the membership; and

Whereas, His service to his home, the City of McKinney, and Collin County, was outstanding, and his participation, advice, and counsel as one of its most capable leaders will be sorely missed; and

Whereas, The Senate of Texas fully recognizes the fact that Judge H. L. Davis was widely respected and enjoyed a special place in the heart of all who knew him; had a happy faculty of doing a maximum of good with a minimum of publicity; and was a great and good man, loyal and true to his family and friends; and

Whereas, It is the desire of the Senate of Texas to acknowledge the achievements and benefactions of this distinguished Texan; and

Whereas, He is survived by a daughter, Carrie Jean Davis, of McKinney; a son, Don O. Davis, of McKinney; a granddaughter, Dora Jean Davis Carr, of Texarkana; a grandson, Lt. Don Weaver Davis, who is now serving with the United States Air Force; and one great-grandson, Richard Carr, Jr., of Texarkana; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this fine citizen and his family, and to extend to his family its most sincere sympathy; and, now, therefore, be it finally

Resolved, That a copy of this resolution be sent to each member of his family; and that when the Senate adjourns today it do so in honor and in memory of The Honorable H. L. Davis.

The resolution was read and was adopted by a rising vote of the Senate.